

Summary of Watershed-Based Mitigation Subcommittee Meeting

December 18, 2003, 9:30 AM - 2:30 PM

Natural Resources Building, Room 635 (6th Floor WDFW Fish Program)

11th and Washington Streets in Olympia

Attendees:

- Dept. of Ecology: Stephen Bernath, Sandra Manning
- Dept. of Fish and Wildlife: Bob Zeigler, Gayle Kreitman, Al Wald, Margen Carlson
- Dept. of Transportation: Dick Gersib, Tim Hilliard, Ken Stone, Gary Davis, Mike Stephens, Barb Aberle, Patty Lynch
- Northwest Indian Fisheries Commission: Darrel Phare
- Applied Hydrology NW: Rick Anderson
- Upper Columbia United Tribes: Bryan Flett (by phone)
- Association of Washington Cities: Ashley Probart
- Yakama Nation: Jeff Spencer
- Environmental and Economic Services: Bob Wubbena

Committee Co-Chairs: Peter Birch (not at meeting), WDFW; Richard Gersib, WSDOT

TPEAC Report, Update and Schedule January, February, and March Meetings

- This committee was strongly supported by Secretary MacDonald and Senator Swecker at the December TPEAC meeting. This subcommittee will be on board for the March 2004 TPEAC meeting to report on watershed characterization reports and the policy integration reports. This will probably a 2 hour slot, one hour for technical, then one hour for policy.

Update on Renton to Bellevue Beta Test

Tim stated they are in compiling mode right now. The self-imposed deadline is New Years Eve. They are completing the GIS map data. The methods document updates will follow in next couple of months. He hopes to have results and clear path as to how they got to them. This will be less formal than "Appendix A" which is the SR 522 study. Any changes to the methods will go back into the methods document when it is revised. The products are going to the project management team at Urban Corridors Office, who are moving into an implementation phase. Watershed staff will be available to do presentations on the Beta Test next month. This will be an updated version of the previous presentation. Note that the Beta won't be characterized as a product of this committee.

Policy Update

Bob Wubbena is working with Rick Anderson on this project. Bob distributed packets and discussed the agenda and handouts in detail.

Rick stated he is new to the complexities of WSDOT. The environmental permitting process is equally complex. Things are constantly changing, i.e. legalities, staff, etc. With the three agencies, a lot of these decisions come from their interactions. There are two broad tasks for this subcommittee: watershed characterization methodology and alternative mitigation permit guidance document/policy. The last meeting we talked about how they relate. The goal of the AMPG is to integrate the approach into this document, and then how we integrate that into the normal permit process.

National Academy of Science and the Natural Resource Council have endorsed the watershed approach to mitigation. More of a performance based system, monitoring and adaptive management. Rick discussed handouts from NAS/NRC and NOAA Fisheries. He reminded everyone to think about this sort of structure so when we go through the permitting process we can improve our decisions. They are to come up with a white paper. What other policies need to change to integrate the AMPG? The process is laid out in the legislation, and they are to be tested in the next year and a half.

Sandy Manning discussed her perspective on the past. Working on this brought WSDOT, Ecology, and WDFW together. They tried to incorporate “no net loss” in the document. There were challenges approaching alternative mitigation. We have come a long way, especially the federal agencies. Now they are shifting to preservation, restoration, and enhancement. Stormwater has been changing fast as well. We can use this policy more broadly, and some trust has come out of TPEAC. One problem is that applicants aren’t using the AMPG very often, because it is not very user friendly. The changes in the agencies thinking need to be incorporated in this document. This is just for the three agencies, not federal or local. It would be a huge success if we can get more of the agencies involved in the updating of this document.

Ken Stone commented that if the DOT was brought on board, it would probably be used more. This goes very nicely with the HRM revisions. That will be out next month. Sandy and Stephen discussed with Jeff and Bob the criteria they are developing specific for stormwater for basin planning.

Bob Z. commented that with Ecology and WDFW, their mitigation policies deal with more than just transportation projects. There are a wide range of other activities. Something designed for transportation may take on a different approach. Transportation impacts are hard to avoid.

Patty Lynch stated that when legislation was passed, they had a tight time frame to develop the AMPG. They didn’t want to start off having any other agencies change existing documents. They attempted to stay consistent with them, but leave enough flexibility for information regarding alternative mitigation. Look at the sequence that WDFW laid out in the policy - that makes it consistent with existing WDFW policy. The legislature only required Ecology and WDFW to be involved in this, but they tried to make sure nothing that would contradict the possibility of more

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agencies being involved in the future. CTED was contacted, and they want to be involved in the process as well. State, federal, and local should all be on one page. Also, the group was small, and was not the only input the agency had. Then they went back to their agencies and reported to the appropriate parties. In February 2000 they sent a draft to the tribes and got comments. They were incorporated back into the document. The bulk of the work was done in 1999. Those comments can be made available upon request.

There are great watershed plans being used on a local level, but they are not being used for permitting decisions. Planning and regulatory staff need to be on the same page: the permit and watershed folks are not talking.

For DOT, the overall drivers are schedule and budget. We need to look at how decisions are made, how decision-making process impacts the schedule and budget, what is the decision matrix? We would like to create a decision matrix in which the watershed approach is built-in.

Bob Wubbena: All the groups around this table need to think about how they will work together. Tribal interests are a special case – how will their issues be integrated into the whole?

- The 2514 and 2496 watershed processes require tribes to be invited to table
- Brian Flett: We should make sure it is written in to anything we put out that tribes need to be consulted, not just intertribal groups. Each tribe has different permitting requirements, regulatory responsibility, etc. in both their own reservations and in their “usual and accustomed areas.”
- Sandy Manning: Most tribes issue their own HPA permits.
- Bob Zeigler: AMPG doesn’t address cultural resources but does address tribal fisheries interests – see page 4.

Patty Lynch stated that the approach needs to address quick problem resolution – from WSDOT point-of-view, even a “no” is better to have quickly.

Sandy Manning talked about the fact that stormwater wasn’t in the original AMPG and this was a big gap – this issue is being addressed in the new Highway Runoff Manual but updating the AMPG to include stormwater issues would lead to better coordination with WDFW, etc.

- Patty Lynch: Also ESA, banking need to be addressed more fully in AMPG. Focus is on aquatic issues, but do we want to expand – cultural resources, air, etc.?
- Sandy Manning: Also need to readdress – and strengthen – preservation issues.
- Sandy Manning: The current AMPG seems to be strongly geared to onsite as the best response, but that isn’t so. Needs to say “preference to off-site where off-site is best. Both Ecology and DFW need to hear that.
- Barb Aberle: ACOE already is saying that, and also that a consolidated site is better than a bunch of small sites.

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- Bob Zeigler: locals often can't easily go off-site; coordination with 2514/2496 processes will simplify this. However, these watershed processes are not required to include watershed mitigation.
- Bob Zeigler: if we are going to include the watershed approach in AMPG, need a clear definition
- Gail Kreitman: I must be practical to be usable – how do we get from step A to step B? Timing is everything – do it early or don't try to do it.
- Stephen Bernath: Flip side is also true – if WSDOT wants to go with the watershed approach, need to do environmental work up front, earlier in the process.

Bob Wubben: Discussion of the Tenney Creek test.

Project was a hypothetical alternative mitigation for a widening of I-5. The construction was complete. This test addressed “what if we had done it differently?” Tenney creek is a small urban watershed with 80% impervious surfaces. The actual final project had used an expensive cantilevered design to avoid impacts on the small creek.

Environmental and Economic Services delivered a “mini-watershed” process that used 10 steps based in part on the methods developed during the SR522 project. Looked at cost savings, then taking the savings and invest in watershed elsewhere – function trade. WDFW biologists were asked to find projects that would use the cost difference (of doing the cheapest widening compared to actual) for other projects in the area.

Bob said this area was a good location for the test since one entity – the Lower Columbia Fish Recovery Board – does the ESA, 2514, and 2496 processes here.

- Jeff Spencer: This would need a clearly defined decision-making process at DFW.
- Sandy Manning: What if this had been proposed at the beginning – would it have actually been possible? Rick Anderson: No, both agencies need to change policies. Bob Wubben: Policies, cultures, personalities.
- Barb Aberle: Training dollars are available, it's a slow process and no one wants to move first. The expectation needs to be understood by all parties up front.
- Jeff Spencer: If there had been a trade of functions for dollars, how? Barb Aberle: replace with high quality.

Bob Wubben: Discussion of the SR 18 test.

This was an urbanizing watershed with some processes still intact.

Conclusions were that the Signatory Agency Committee process needs to be applied up front, concurrent points need to be met, a common framework (interagency) is required to make a watershed approach work in a project this complex.

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- Mike Stephens: This wasn't a routine project. Lots of challenges from resource groups. Using the existing highway runoff manual caused large detention ponds to be built that didn't have obvious benefits.
- Rick Anderson: This was essentially a test with a stormwater emphasis. It included bridges, wetland impacts, etc. Big factor was land costs – at the highway, \$6.50 sq. ft., away from highway, \$1.50 sq. ft.

Bob Wubbena: Discussion of proposed Walla Walla test.

Bob is proposing to do a full-scale watershed approach for a Walla Walla project. This area would be good because they have all the watershed planning processes completed and coordinated.

- Dick Gersib: Word of caution: most watersheds in state are not this advanced, so reality we would not usually have this advantage. It's OK to look at the "high end" but need to know how we will work at the other end of the spectrum, where little local watershed work is complete.
- Bob Wubbena: this would be picture of what the world could be like if all the planning processes in the state were complete.
- Patty Lynch: We need way to measure costs, impacts – important that new methods are cost-effective and practical, not a disincentive.
- Stephen Bernath: All agencies need good data to make decisions.

Meeting adjourned.

Next meeting wasn't known then, but later we confirmed that all meetings in 2004 would be the third Tuesday of each month, from 10:00 am to 2:00 pm. The next meeting will be Tuesday, February 17th. The room has not been confirmed at this time.